IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7802 OF 2006

Pawankumar Jyotiprasad Agarwal & Ors. ...Petitioners
vs.
The Pimpari-Chinchwad Municipal Corporation ...Respondent

Mr.S.M.Gorwadkar for the Petitioners
Mr.N.V.Walawalkar,Senior Counsel with Mr.A.J.Suryawanshi with Mr.G.H.Keluskar i/b Mr.Sudhir Prabhu for the Respondent No.1.
Mr.C.R.Sonawane, A.G.P. for State

CORAM: A.S.OKA,J.
DATE : MARCH 2,2007.

P.C.:

1. The Petitioner No.18 has placed on record his Affidavit which is marked‘X’ for identification. He has filed this Affidavit for himself and on behalf of the Petitioner Nos.1,2 and 6 to 12, 15 to 17, 19 to 22. In paragraphs 8 and 9 of the Affidavit, the Petitioner No.18 has stated thus :

"8. In view of the facts stated in para 5 above, Petitioners solemnly state that they seek permission to withdraw the Special C.S.No.739/2006 and Writ Petition No.7802/2006 with liberty to pursue the procedure for modification of the Development Plan as resolved by the Pimpari Chanchwad Municipal Corporation by Resolution No.5736 dated 3.2.2006 and which is under the consideration of the State Government and with the liberty to challenge the notification u/sec. 126 of M.R.T.P. Act r/w sec. 6 of the Land Acquisition Act dated 2.3.2006 for acquisition of land for implementing the D.P.Road

reservation before the proper Forum if need be.

9. Petitioners state that the procedure u/sec.37 of M.R.T.P. Act would normally take about 6 months time. Therefore, Petitioners hereby request the Hon'ble High Court to pass suitable interim orders for safe guarding the interest of the Petitioners."

2. The request made by the Petitioners in paragraph 8 of the Affidavit is reasonable. In so far as paragraph 9 is concerned, it must be noted here that any protection granted by this Court will affect the work of road widening. Therefore, time of six months cannot be granted. A limited protection can be granted to the petitioners till 30th June 2007.

3. Hence, I pass the following order :

i) Writ Petition is dismissed as withdrawn.

ii) Original suit filed by the Petitioners is dismissed as withdrawn with liberty as prayed in paragraph 8 of the Affidavit which is tendered today in the court.

iii) Till 30th June 2007, notice of demolition shall not be enforced by the first Respondent No.1-Corporation.

iv) Parties to act upon an authenticated copy of this order.

JUDGE